

1 Dan H. Cooper, Bar No. 004900  
2 COOPER & UDALL, P.C.  
3 136 W. Simpson Street  
4 Tucson, AZ 85701  
5 (520) 770-1414  
6 [dcooper@cooperudall.com](mailto:dcooper@cooperudall.com)

7 Laura E. Udall, Bar No. 010501  
8 COOPER & UDALL, P.C.  
9 136 W. Simpson Street  
10 Tucson, AZ 85701  
11 (520) 770-1414  
12 [ludall@cooperudall.com](mailto:ludall@cooperudall.com)

13 **IN THE UNITED STATES DISTRICT COURT**  
14 **FOR THE DISTRICT OF ARIZONA**

15 UNITED STATES OF AMERICA,	)	CR-18-01256-CKJ-JR
	)	
16 Plaintiff,	)	
17 vs.	)	<b>SENTENCING MEMORANDUM</b>
	)	<b>SUPPORTING DOCUMENTS</b>
18 JOSHUA JOEL PRATCHARD,	)	
	)	
19 Defendant.	)	

20 Josh Pratchard, through counsel, submits the following documents in support of  
21 the Sentencing Memorandum (Doc #74).

- 22 1. Exhibit C- August 14, 2018 and January 8, 2019 Press Release on Joseph Gill
- 23 2. Exhibit D- February 15, 2017 Press Release on Ariana Ramirez
- 24 3. Exhibit E- November 13, 2018 Press Release on Justin Arch
- 25 4. Exhibit F- February 28, 2018 Press Release on Jesus Franco
- 26 5. Exhibit G- July 7, 2017 Press Release on Joe Valles
6. Exhibit H- March 19, 2018 Press Release on Timothy Veninga
7. Exhibit I- December 13, 2012 Press Release on Jaime Avila
8. Exhibit J- January 28, 2019 Magda Luna Judgement

1 RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of August, 2019.

2 By s/Dan H. Cooper  
3 Dan H. Cooper

4 By s/Laura E. Udall  
5 Laura E. Udall

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# EXHIBIT

# C



Offices of the United States Attorneys

THE UNITED STATES ATTORNEY'S OFFICE  
DISTRICT *of* NEVADA

SEARCH

[HOME](#) [ABOUT](#) [NEWS](#) [MEET THE U.S. ATTORNEY](#) [DIVISIONS](#) [PROGRAMS](#) [JOBS](#)  
[CONTACT US](#)[U.S. Attorneys](#) » [District of Nevada](#) » [News](#)

Department of Justice

U.S. Attorney's Office

District of Nevada

FOR IMMEDIATE RELEASE

Tuesday, August 14, 2018

**Former Arizona DEA Agent Pleads Guilty To Illegally Selling  
Assault Rifles**

**TUCSON, Ariz.** – A former DEA Supervisory Special Agent who was assigned to the Nogales Office as part of the DEA Tucson District Office pleaded guilty today in federal court in Tucson, Arizona, to illegally selling firearms without a Federal Firearms License (FFL). The case is being prosecuted by the U.S. Attorney's Office for the District of Nevada because the U.S. Attorney's Office for the District of Arizona is recused from the case.

Joseph Michael Gill, 42, of Tucson, pleaded guilty to one count of dealing in firearms without a licensee. He resigned from his position with the DEA on June 30, 2018. United States Magistrate Judge Lynnette C. Kimmins accepted the guilty plea and scheduled sentencing for November 26, 2018. The maximum penalty is five years in prison and a \$250,000 fine.

According to the affidavit for a search warrant for Gill's residence obtained in connection with the investigation, in December 2012, Gill applied for a Federal Firearms License with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), but he subsequently withdrew the application. Subsequent to withdrawing that application, Gill purchased multiple firearms from licensed firearms dealers and sold them on the internet utilizing the website Gunbroker.com. Upon further investigation into Gill's use of Gunbroker.com, ATF learned that Gill had engaged in approximately 645 transactions.

According to the plea agreement, on June 12, 2016, Gill purchased three Colt .223/5.56 caliber rifles from an online FFL located in Lexington, Kentucky. He paid a total of \$1,896. The rifles were shipped to a FFL in Sahuarita, Arizona, and Gill picked up the rifles on June 18. Then, on July 27 and 28, 2016, Gill sold two of the rifles to two different individuals who he had reason to believe intended to use or dispose of the firearms unlawfully.

The case is being investigated by the ATF and the Department of Justice Office of the Inspector General. Assistant U.S. Attorney Phillip N. Smith Jr. of the District of Nevada is prosecuting the case.

###



[https://tucson.com/news/local/crime-and-courts/ex-dea-agent-in-nogales-sentenced-to-probation-for-illegal/article\\_fcd07b5f-3a84-5677-91ce-d7bfb7bd7918.html](https://tucson.com/news/local/crime-and-courts/ex-dea-agent-in-nogales-sentenced-to-probation-for-illegal/article_fcd07b5f-3a84-5677-91ce-d7bfb7bd7918.html)

## Ex-DEA agent in Nogales sentenced to probation for illegal gun sales

By Curt Prendergast Arizona Daily Star Jan 8, 2019



One of the rifles Joseph Gill, a former DEA supervisory special agent in Nogales, sold to suspected drug traffickers was seized on its way to Mexico, court documents say.

U.S. District Court

### MORE INFORMATION



Former Arizona

A former federal agent in Nogales was sentenced to five years of probation after he pleaded guilty to selling firearms without a license.

Joseph Gill, a 42-year-old former supervisory

## DEA agent admits to illegal gun sales

- Douglas customs officer fined \$150 on human-smuggling charge
- Firearms side businesses land Southern Arizona border agents in trouble
- Ex-Nogales Border Patrol agent accused of illegally selling hundreds of guns
- Customs officer in Nogales indicted on bribery, smuggling charges
- Border Patrol agent who earned \$56 an hour pleads guilty to falsifying time cards
- Homeland Security agent in Douglas facing federal trial on wire fraud, theft charges
- Lanes of Interstate 10 in Cochise County re-open after this morning's deadly crash
- This Tucson man is doing a 12-hour run to raise money for the food bank
- 16 arrested in long undercover investigation across Pima, Cochise counties
- Huge load of fentanyl, meth seized at Nogales

special agent with the Drug Enforcement Administration, sold a Colt model M4LE 5.56-caliber semi-automatic rifle in July 2016 to a suspected drug trafficker, which came to light during a federal investigation of the drug-trafficking organization.

The rifle was smuggled into Mexico and a nearly identical rifle sold by Gill was seized on a shuttle heading into Mexico through Nogales, U.S. District Court records show.

Gill pleaded guilty in August to a felony charge of selling firearms without a license, with reason to believe the buyers of the rifles would use them unlawfully, court records show. He faced up to two years in prison under his plea agreement.

At a sentencing hearing Monday, Gill said he had sold firearms for many years, calling it a "hobby that I took to an extreme." He said he did not know the buyers of the rifles were part



port of entry

- Douglas border agent sentenced to probation for lying about informants
- Ex-customs officer in Douglas gets probation, fine for lying about citizenship
- Border agent in Douglas admits to helping smuggle 1,000s of pounds of marijuana

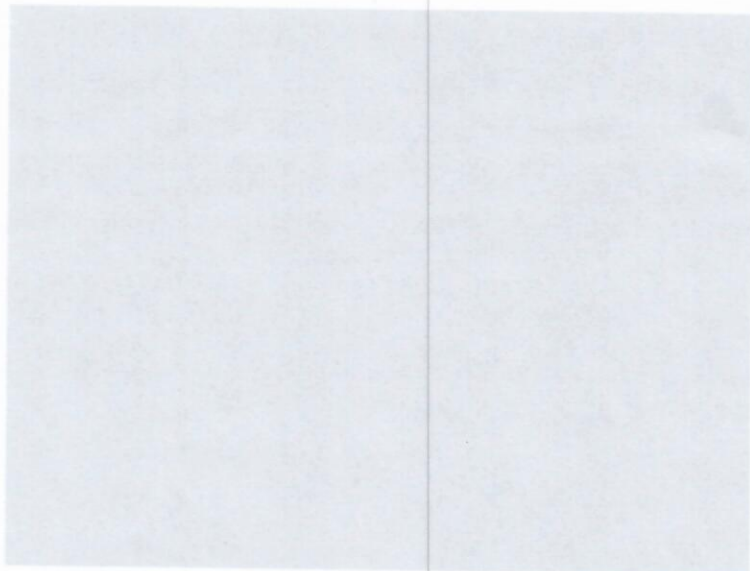
of a drug-trafficking organization, but “I should have known better and I should have done better.”

District Court Judge Raner C. Collins said he was “torn” about how to sentence Gill, but decided to “give him the benefit of the doubt.”

The first six months of Gill’s five years of probation will be served on home detention, Collins said. He ordered Gill to pay a \$15,000 fine and perform 500 hours of community service. Gill is prohibited from possessing a firearm.

Gill resigned from the DEA on June 30 after 14 years with the agency.

## Border busts 2018



Smugglers of people, drugs, money, weapons and other

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# EXHIBIT

# D





## Department of Justice

U.S. Attorney's Office  
District of Arizona

For Immediate Release

Wednesday, February 15, 2017

Elizabeth A. Strange, United States Attorney  
Contact: Cosme Lopez  
(602) 686-8614  
[www.justice.gov/usao-az](http://www.justice.gov/usao-az)

### Duo Sentenced for Attempting to Smuggle Assault Rifles, Ammunition, and Machine Gun Components into Mexico

TUCSON, Ariz. – Today, Ariana Alexa Ramirez, 26, of Phoenix, was sentenced by U.S. District Judge Cindy K. Jorgenson to 30 months in prison. Her co-defendant, Andrian Alvarez-Valdez, 23, of Mexico, was previously sentenced to 46 months in prison. Both defendants had pleaded guilty to attempting to smuggle firearms and ammunition into Mexico from the United States.

"The lengthy sentences in this case should serve as a warning to those who would consider smuggling firearms into Mexico," stated Acting U.S. Attorney Elizabeth A. Strange. "I would like to thank ATF and HSI for their strong investigative work in this case, along with the diligent CBP agents at the Port of Entry who were able to locate the hidden contraband in the defendants' car before it left the country."

"This case is a prime example of the cooperative efforts among law enforcement to stem the illegal trafficking of guns and ammunition into Mexico," stated ATF Special Agent in Charge Thomas G. Atteberry. "I wish to commend the leadership of the U.S. Attorney's Office in their prosecution of these criminals."

"HSI and our valued law enforcement partners will continue to identify and investigate individuals tied to transnational criminal organizations who attempt to disregard the rule of law," said HSI Acting Special Agent in Charge Francisco Burrola. "The amount of work invested culminated in extremely dangerous weapons to include thousands of rounds of assorted ammunition being seized and prevented their possible use in violent crimes."

On March 26, 2016, the defendants purchased bulk ammunition at a store in Phoenix. The next day, they were stopped by agents at the Nogales Port of Entry while attempting to drive into Mexico. Hidden inside their vehicle were two AK-47 style assault rifles, six 30-round 7.62x39

The investigation in this case was conducted by the Department of Homeland Security-Homeland Security Investigations and the Bureau of Alcohol, Tobacco, Firearms, and Explosives. The prosecution was handled by Angela W. Woolridge, Assistant U.S. Attorney, District of Arizona, Tucson.

CASE NUMBER: CR-16-0800-TUC-CKJ  
RELEASE NUMBER: 2017-014\_Ramirez

###

Phoenix Field Division

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# EXHIBIT

# E



**BREAKING** More than 130,000 migrants were detained at the border in May, the highest leve...

[https://tucson.com/news/local/stolen-birthday-checks-illegal-tucson-gun-purchases-lead-to-article\\_98433786-1f7f-5d4d-99b2-2f34514cedbc.html](https://tucson.com/news/local/stolen-birthday-checks-illegal-tucson-gun-purchases-lead-to-article_98433786-1f7f-5d4d-99b2-2f34514cedbc.html)

## Stolen birthday checks, illegal Tucson gun purchases lead to 40-month prison term

By Jordan Williams For the Arizona Daily Star Nov 13, 2018



### MORE INFORMATION



A man accused of stealing checks, including several sent for birthdays, and using them to illegally buy firearms was sentenced last week

Former Arizona  
DEA agent admits  
to illegal gun sales

- Exploding bullets in Rio Rico mark fiery end to smuggling effort
- Head of 'one of the largest' gun-smuggling rings in Southern Arizona sentenced to prison
- Douglas man accused of smuggling machine gun parts into Mexico
- Former forensic interviewer in Arizona sentenced to time behind bars
- Tucson man sentenced for 2013 killing also connected to fatal 2018 shooting
- Tucson police: East-side intersection closed after crash involving semi

in federal court to 40 months in prison.

Justin Bruce Arch, 37, was indicted in October 2017 on 13 charges related to a scheme to steal checks from 200 people, many of whom were elderly residents of an assisted-living facility, and use those checks to illegally buy at least eight pistols and rifles, U.S. District Court documents show.

Arch was accused of devising a “straw-buying” scheme with his wife, Lisa Jalena Laurelez, in which they used the stolen checks and credit cards to buy the firearms from online dealers in Utah and Texas, court documents show. When the guns arrived in Arizona, Arch and Laurelez lied about being the actual purchasers of the firearms.

Arch pleaded guilty in May to one count of aiding and abetting the making of a false statement in connection with the acquisition of a firearm. The remaining charges were



dismissed.

Laurelez faces the same charges as Arch and is scheduled to be sentenced Dec. 19.

Arch “preyed upon” the elderly, some of whom were low-income and relied on the money that was stolen from them, prosecutor Angela Woolridge told Judge Cindy K. Jorgenson at a Nov. 5 sentencing hearing.

The indictment involves about \$9,000 worth of harm to individuals and firearms dealers, according to a sentencing memorandum submitted by Douglas Tyler Francis, Arch’s court-appointed defense attorney.

The indictment listed 51 checks Arch and Laurelez were accused of stealing, including 11 that totaled more than \$6,000. The remaining 40 checks were drawn on credit card accounts and did not have a specific amount listed in the indictment.

Four of the stolen checks had memo lines wishing the recipients well, including a check for \$817 with “Happy Birthday xoxo” written in the memo line, according to the indictment.

When law enforcement agents searched Arch’s home in September 2017, they found stolen checks and mail, along with credit and debit cards, some of which Arch and Laurelez



manufactured. Agents also found credit card readers and blank credit cards, Woolridge wrote in the memorandum.

They also found multiple drugs, including heroin, morphine and marijuana, and drug paraphernalia, Woolridge wrote.

Agents also found ammunition, two loaded firearms and a Border Patrol ballistic vest, Woolridge wrote. Francis told Jorgenson the ballistic vest did not belong to Arch.

Arch admitted to law enforcement agents of having trafficked firearms to drug cartels in Mexico, Woolridge wrote.

Woolridge said Arch's case was "far more serious" than most weapons-trafficking cases. Most weapons cases involve either straw-buying firearms or trafficking firearms to Mexico, but Arch's case involves both.

Arch admitted in court to having a drug problem and stressed that he was trying to turn his life around and to keep his family, stating he was trying to "continue to live within the boundaries of the law."

In his memo, Francis wrote that some of the items found in Arch's home were consistent with someone who is severely addicted to drugs and trying to maintain his addiction.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# EXHIBIT

# F



Offices of the United States Attorneys

THE UNITED STATES ATTORNEY'S OFFICE  
DISTRICT *of* ARIZONA

Search

SEARCH

[HOME](#)   [U.S. ATTORNEY](#)   [ABOUT US](#)   [NEWS](#)   [PRIORITIES](#)   [PROGRAMS](#)   [CAREERS](#)  
[CONTACT US](#)[U.S. Attorneys](#) » [District of Arizona](#) » [News](#)

Department of Justice

U.S. Attorney's Office

District of Arizona

FOR IMMEDIATE RELEASE

Wednesday, February 28, 2018

**United States Border Patrol Agent Sentenced to Prison for Theft of Firearm Parts and Unlawful Possession of Machinegun**

TUCSON, Ariz. – Yesterday, Jesus Manuel Franco, a former United States Border Patrol Agent, 39, of Vail, Ariz., was sentenced by U.S. District Judge Cindy K. Jorgenson, to 18 months' imprisonment for theft of firearm parts and equipment valued at approximately \$100,000 and for the unlawful possession and transfer of two machinegun conversion devices. Franco had been previously found guilty of these offenses after a jury trial.

The evidence at trial demonstrated that in 2014, Franco accepted a temporary assignment to the Customs and Border Protection (CBP) Armory in Harper's Ferry, W. Va. During a two-month period, Franco unlawfully transferred 47 boxes of firearm parts and equipment from the Armory to the Wilcox, Ariz. CBP Station without authorization and for personal use. One of the boxes transferred by Franco contained two machine gun conversion devices that qualified under federal law as machineguns. Franco also charged the government for shipping costs.

The investigation in this case was conducted by the Department of Homeland Security, Office of Inspector General. The prosecution was handled by Jane L. Westby and Sarah B. Houston, Assistant U.S. Attorneys, District of Arizona, Tucson.

CASE NUMBER: CR-16-00268-TUC-CKJ

RELEASE NUMBER: 2018-19\_Franco

###

For more information on the U.S. Attorney's Office, District of Arizona, visit <http://www.justice.gov/usao/az/>

Follow the U.S. Attorney's Office, District of Arizona, on Twitter [@USAO\\_AZ](#) for the latest news.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# EXHIBIT

# G



Offices of the United States Attorneys

THE UNITED STATES ATTORNEY'S OFFICE  
DISTRICT *of* ARIZONA

Search

SEARCH

[HOME](#) [U.S. ATTORNEY](#) [ABOUT US](#) [NEWS](#) [PRIORITIES](#) [PROGRAMS](#) [CAREERS](#)  
[CONTACT US](#)[U.S. Attorneys](#) » [District of Arizona](#) » [News](#)

Department of Justice

U.S. Attorney's Office

District of Arizona

FOR IMMEDIATE RELEASE

Friday, July 7, 2017

**Former Tucson Police Officer Sentenced to 78 Months for the  
Illegal Sales of Firearms**

TUCSON, Ariz. – Yesterday, Joe Santiago Valles, 34, of Tucson, Ariz., was sentenced by U.S. District Judge James A. Soto to 78 months in prison. Valles had previously pleaded guilty to conspiracy to defraud the United States, aiding and abetting false statements in firearms transactions, tampering, tampering with a witness, and identity theft.

Beginning in October 2015 through April 20, 2016, Joe Valles was a business partner with a Federal Firearms Licensee (FFL) in Tucson, Ariz. The FFL and Valles used the identities of individuals, who were not purchasing firearms, to submit ATF Forms 4473 claiming they were the purchasers. ATF Form 4473 is required to legally purchase or acquire firearms from FFLs. The FFL and Valles used the fraudulent forms to conceal the identities of the true buyers. The conspiracy involved a total of 35 firearm transactions, including 24 semi-automatic pistols and rifles. Valles was working as a Tucson Police officer when he stole the identities of two individuals he had contact with through his official duties. Twenty-nine firearm transactions listed these two individuals as buyers when, in fact, they were not the purchasers. To date, one of the firearms was intercepted at the Nogales Port of Entry and a second firearm, a .50 caliber semi-automatic rifle, was seized by Mexican authorities.

The investigation in this case was conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives with assistance by Customs and Border Protection. The prosecution was handled by Serra M. Tsethlikai and Karen E. Rolley, Assistant U.S. Attorneys, District of Arizona, Tucson.

CASE NUMBER: CR-16-01059-TUC-JAS

RELEASE NUMBER: 2017-058\_Valles

# # #

For more information on the U.S. Attorney's Office, District of Arizona, visit <http://www.justice.gov/usao/az/>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# EXHIBIT

# H





Offices of the United States Attorneys

THE UNITED STATES ATTORNEY'S OFFICE  
DISTRICT *of* ARIZONA

Search

SEARCH

[HOME](#) [U.S. ATTORNEY](#) [ABOUT US](#) [NEWS](#) [PRIORITIES](#) [PROGRAMS](#) [CAREERS](#)  
[CONTACT US](#)[U.S. Attorneys](#) » [District of Arizona](#) » [News](#)

Department of Justice

U.S. Attorney's Office

District of Arizona

FOR IMMEDIATE RELEASE

Monday, March 19, 2018

**Federal Firearms Dealer Sentenced to 78 Months for His Role in Trafficking Firearms to Mexico**

TUCSON, Ariz. – Last week, Timothy Alan Veninga, 48, of Tucson, Ariz., was sentenced by U.S. District Judge James A. Soto to 78 months' imprisonment and a judgment of forfeiture of over \$61,000. Veninga had previously pleaded guilty to conspiracy to defraud the United States, aiding and abetting false statements in firearms transactions, false statements to government agency, tampering, and identity theft. On July 6, 2017, Veninga's co-defendant, Joe Valles, a former Tucson Police Department officer, was also sentenced to 78 months' imprisonment for his role in the trafficking scheme.

Veninga, owner of Ballistic Firearms in Tucson and Valles, a business partner who operated a firearm painting business on the premises of Ballistic Firearms, were involved in a scheme in which they paid individuals who were not the actual purchasers of firearms to complete and sign ATF Forms 4473 (Firearms Transaction Record), while leaving the date and firearm information section blank. Veninga and Valles also used the identities of two other people (which had been obtained while Valles was working as a police officer for Tucson Police Department) who were not the actual purchasers of firearms without their permission to complete and sign Forms 4473. Veninga and Valles used the fraudulent Forms 4473 to document multiple firearms transactions and create records retained by Veninga, which falsely represented the identities of the purchasers, thereby concealing the identities of the true buyers. The conspiracy involved a minimum of 31 firearm transactions involving 24 semi-automatic pistols (varying calibers) and seven rifles, including one semi-automatic assault rifle, one semi-automatic high-capacity rifle, and two .50 caliber semi-automatic rifles. Evidence from the investigation established that these firearms were sold to members from Mexico drug cartels and that the firearms were intended for Mexico.

The investigation in this case was conducted by Bureau of Alcohol, Tobacco, Firearms, and Explosives. The prosecution was handled by Serra M. Tsethlikai and Karen Rolley, Assistant U.S. Attorneys, District of Arizona, Tucson.

CASE NUMBER: CR-16-1059-TUC-JAS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# EXHIBIT

## I





Menu



## Fast and Furious Gun Buyer Sentenced to Prison

December 13, 2012 — Homeland Security Today

PHOENIX (AP) — A man who purchased two rifles found at the scene of the fatal shooting of a Border Patrol agent north of the U.S.-Mexico border was sentenced Wednesday to nearly five years in federal prison.

Jaime Avila Jr., 25, received a sentence of 57 months, a penalty on the lower end of federal guidelines, for his acknowledged role in a gun smuggling ring targeted in a botched federal investigation known as Operation Fast and Furious.

Two assault weapons acquired by Avila from a suburban Phoenix gun store were found in the aftermath of a 2010 shootout that mortally wounded Border Patrol Agent Brian Terry near the Arizona border city of Nogales. The firefight was between border agents and five men who had sneaked into the country from Mexico for the purpose of robbing marijuana smugglers.

Avila looked on without any visible emotion as Terry's cousin, Robert Heyer, spoke on behalf of the agent's family.

"It probably goes without saying that the Terry family wishes there was some way that Mr. Avila could be held responsible for Brian's death," Heyer said as his voice cracked with emotion.

Avila, dressed in orange jail uniform and bound by handcuffs, said he wished he could change things and wants to be around for his young son.

"I just want to say sorry to the Terry family," Avila told the judge, adding that he was trying to change his life.



U.S. District Judge James Teilborg said it was clear that Avila showed remorse, but also pointed to the serious consequences of illegal gun purchases. "These were clearly weapons of war," Teilborg said.

Authorities say the ring that Avila worked for bought guns and smuggled weapons into Mexico for by the Sinaloa drug cartel.

Avila isn't charged in Terry's death. Prosecutors have said straw buyers can't be held criminally liable for violence committed by others with such illegally purchased guns.

Authorities have a separate case pending in federal court in Tucson against five men charged with murder in Terry's death.

Prosecutor Shane Harrigan had asked for a stiff penalty, saying Avila's involvement in the illegal weapons buys went beyond the 52 guns he bought for the ring and extended to the recruitment of two others who purchased dozens of weapons. "He was more than just a mere straw purchaser," Harrigan said, adding that Avila didn't care about the violence associated with illegal gun buys.

Avila's attorney, Candice Shoemaker, sought leniency, saying her client wasn't a leader in the ring and had an expensive drug problem. "His involvement in this case was because of that substance abuse," Shoemaker said.

Federal authorities conducting the Fast and Furious investigation have faced tough criticism for allowing suspected straw gun buyers for the ring to walk away from gun shops in Arizona with weapons, rather than arrest the suspects and seize the guns there.

The investigation was launched in 2009 to catch trafficking kingpins, but agents lost track of about 1,400 of the more than 2,000 weapons, some of which were later found at crime scenes in Mexico and the U.S.

Mexico's drug cartels often seek out guns in the U.S. because gun laws in Mexico are more restrictive than in the U.S.

So far, 15 of the 20 people charged in the gun case pleaded guilty to charges.

Records show a Jan. 3 trial has been set for five other alleged ring members.

Copyright 2012 Associated Press. All rights reserved. This material may not be published, broadcast

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# EXHIBIT

# J



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**United States of America**

**v.**

**Magda A. Luna**

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

**No. CR-17-01108-003-TUC-JAS (LAB)**

**Dan H. Cooper (CJA)**

Attorney for Defendant

USM#: 95357-008

**THE DEFENDANT ENTERED A PLEA OF** guilty on 10/10/2018 to Counts 1 and 2 of the Indictment.

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 18, U.S.C. §371, Conspiracy to Export Firearms and Munitions from the United States, a Class D Felony offense, as charged in Count 1 of the Indictment; Title 22, U.S.C. §2778(b)(2) and 2778(c), Attempted Exportation of Munitions, a Class C Felony offense, as charged in Count 2 of the Indictment.

**IT IS THE JUDGMENT OF THIS COURT THAT** the defendant is committed to the custody of the Bureau of Prisons for a term of **FIFTY-ONE (51) MONTHS**, on Count 1 and on Count 2, with credit for time served, said counts to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THREE (3) YEARS**, on Count 1 and on Count 2, said counts to run concurrently.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT: \$200.00    FINE: WAIVED    RESTITUTION: N/A**

The defendant shall pay a special assessment of \$200.00 which shall be due immediately.

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$200.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Count 1 and 2 of the Indictment.

Any unpaid balance shall become a condition of supervision and shall be paid within 90 days prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.



CR-17-01108-003-TUC-JAS (LAB)  
USA vs. Magda A. Luna

Page 2 of 4

### **SUPERVISED RELEASE**

It is ordered that while on supervised release, the defendant must comply with the mandatory and standard conditions of supervision as adopted by this court, in General Order 17-18, which incorporates the requirements of USSG §§ 5B1.3 and 5D1.2. Of particular importance, the defendant must not commit another federal, state, or local crime during the term of supervision. Within 72 hours of sentencing or release from the custody of the Bureau of Prisons the defendant must report in person to the Probation Office in the district to which the defendant is released. The defendant must comply with the following conditions:

### **MANDATORY CONDITIONS**

- 1) You must not commit another federal, state or local crime.
- 2) You must not unlawfully possess a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted.
- 3) You must refrain from any unlawful use of a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted. Unless suspended by the Court, you must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

### **STANDARD CONDITIONS**

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of sentencing or your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.



CR-17-01108-003-TUC-JAS (LAB)  
USA vs. Magda A. Luna

Page 3 of 4

- 7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13) You must follow the instructions of the probation officer related to the conditions of supervision.

### **SPECIAL CONDITIONS**

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

- 1) You must participate as instructed by the probation officer in a program of substance abuse treatment (outpatient and/or inpatient) which may include testing for substance abuse. You must contribute to the cost of treatment in an amount to be determined by the probation officer.
- 2) You must submit your person, property, house, residence, vehicle, papers, or office to a search conducted by a probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.



CR-17-01108-003-TUC-JAS (LAB)  
USA vs. Magda A. Luna

Page 4 of 4

- 3) You must participate in a mental health assessment and follow any directions by the probation officer or treatment provider, which may include taking prescribed medication. You must contribute to the cost of treatment in an amount to be determined by the probation officer.
- 4) You must not use or possess alcohol or alcoholic beverages.
- 5) You must cooperate in the collection of DNA as directed by the probation officer.

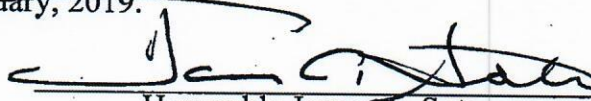
**THE DEFENDANT IS ADVISED OF DEFENDANT'S RIGHT TO APPEAL BY FILING A NOTICE OF APPEAL IN WRITING WITHIN 14 DAYS OF ENTRY OF JUDGMENT.**

The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

The Court orders commitment to the custody of the Bureau of Prisons and recommends that the defendant participate in the Bureau of Prisons Residential Drug Abuse Treatment Program and include a Mental Health assessment and be placed in an institution in or near District of Arizona.

Date of Imposition of Sentence: **Monday, January 28, 2019**

Dated this 28th day of January, 2019.

  
Honorable James A. Soto  
United States District Judge

**RETURN**

I have executed this Judgment as follows:

defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution  
designated by the Bureau of Prisons with a certified copy of this judgment in a Criminal case.

\_\_\_\_\_  
United States Marshal

By:

\_\_\_\_\_  
Deputy Marshal